IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9152 of 2005

Between:

Lumbini Budhist Minority Educational Society,
Regd.No.115 of 1997, H.No.1-3-426/1,
Banjara Hills, Bhongir, Nalgonda Dist., rep.by its President D.Naveen Kumar, S/o Sri D.Anantharamulu
D.No.1-3-426/1, Banjara Hills, Bhongir, Nalgonda District.

..... PETITIONER

AND

The Osmania University, rep.by its Registrar, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, one in the nature of writ of Mandamus, declaring the action of the respondent in not considering the application filed by the petitioner seeking affiliation for vathsalya college of Education, Bhongir as arbitrary, illegal, offending Art.14 of the Constitution of India, being contrary to the provisions of A.P.Universities Act, 1991 and consequently direct the respondent to grant affiliation to the college established by the petitioner forthwith to enable the college to be allotted the students or in the alternative admit the students into B.Ed. programme for the academic year 2004-2005..

Counsel for the Petitioner:MR.K.RAMESH BABU

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE

The Court, at the stage of admission, made the following :

ORDER :

This writ petition is filed aggrieved by the action of the respondent-Osmania University, Hyderabad, in not considering the application of the petitioner for grant of affiliation to the college established by it for the academic year 2004-05 to start B.Ed., courses on the ground that *Government orders* are not yet issued in favour of the petitioners.

It is not in dispute that the petitioner herein was already granted no-objection certificate by the Government and that it was also granted recognition by the National Council for Teacher Education (for short "NCTE). In the circumstances, the contention of the petitioner is that the respondent-university is not at all justified in insisting on further *Government orders.*

When the matter is taken up for consideration, learned counsel for both parties represented that the issued raised in this writ petition is squarely covered by the decision of this Court in W.P.No.7878 of 2005 dated 13.04.2005, whereunder having considered an identical issue, this Court held that in the absence of any provision under the National Council for Teacher Education Act, or any other statute which provides for permission from the Government to start the college after the institution was granted no-objection certificate by the Government and recognition by the NCTE, the action of the respondent-university therein in returning the application for grant of affiliation only on the ground of further permission from the Government appears to be unwarranted and cannot be sustained. Accordingly the said writ petition was disposed of with a direction to the respondent-university to consider the application of the petitioner therein afresh for grant of affiliation without insisting for obtaining permission from the Government.

Following the decision in W.P.No. 7878 of 2005, the writ petition is disposed of with a direction to the respondent University to consider the application of the petitioner for grant of affiliation to the college established by it for the academic year 2004-05, without insisting for obtaining further order or permission from the Government to start the college and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of

receipt of this order. No costs.

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25.04.2005

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To

1. The Osmania University, rep.by its Registrar, Hyderabad.

2. Two C.D.copies.